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AMENDMENT TRANSMITTAL LETTER

Docket No.
8733.373.00

Application No.
09/749,440

Filing Date
December 28, 2000

Examiner
Thoi V. Duong

Art Unit
2871

Applicant(s): CHOI, Suk Won, et al.

Invention: FABRICATING METHOD FOR LIQUID CRYSTAL PANEL IMPLEMENTING FERROELECTRIC LIQUID CRYSTAL

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	23	- 23 =		x	
Independent Claims	3	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					

- ☒ Large Entity ☐ Small Entity
- ☒ No additional fee is required for this amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of \$ _____.
A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-0911 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

Kurt M. Eaton
Attorney Reg. No.: 51,640

Dated: February 15, 2005



Docket No.: 8733.373.00-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Suk-Won CHOI, et al.

Confirmation No.: 6061

Application No.: 09/749,440

Art Unit: 2871

Filed: December 28, 2000

Examiner: Thoi V. Duong

For: FABRICATING METHOD FOR LIQUID
CRYSTAL PANEL IMPLEMENTING
FERROELECTRIC LIQUID CRYSTAL

Customer No.: 30827

REQUEST FOR RECONSIDERATION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action, mailed November 15, 2004, wherein pending claims 1-10, 12-18 and 20-25 are rejected, Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 3 of the Office Action ("Action"), the Examiner rejects claims 1-10, 12-18 and 20-25 under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the enablement requirement. Applicants respectfully traverse this rejection.

The Examiner asserts that the claimed method of fabricating a liquid crystal display device comprising cooling the liquid crystal panel to a predetermined temperature so as to produce monostable alignment of the ferroelectric liquid crystal molecules and heating the cooled liquid crystal panel substantially to room temperature is not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. To support this

rejection, the Examiner appears to assert that because U.S. Patent No. 5,583,682 (the '682 patent) discloses cooling a liquid crystal panel to -9 degrees C and heating to room temperature to produce *bistable* alignment, one skilled in the art would not have sufficient information with which to produce *monostable* alignment by cooling. This assertion is unfounded for the following reasons.

The fact the '682 patent may disclose a method which produces bistable alignment and not monostable alignment does *not* render Applicants' specification non-enabling. The mere fact that cooling at -9 degrees C produces bistable alignment does not mean that cooling at a temperatures below -9 degrees can not produce monostable alignment. To the contrary, it only proves that the advantages of the present invention were not know prior to the present invention.

As discussed in § 2164.04 of the MPEP, "[a] specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. 112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support." Therefore, absent specific evidence that monostable alignment within a ferroelectric liquid crystal can not be achieved by cooling a liquid crystal panel to a predetermined temperature as disclosed in the specification, the rejection of claims 1-10, 12-18 and 20-25 under 35 U.S.C. 112, first paragraphs is improper. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-10, 12-18 and 20-25.

The application is in condition for allowance. Notice of same is earnestly solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps

Application No.: 09/749,440
Response dated February 15, 2005
Response to non-final Office Action dated November 15, 2004

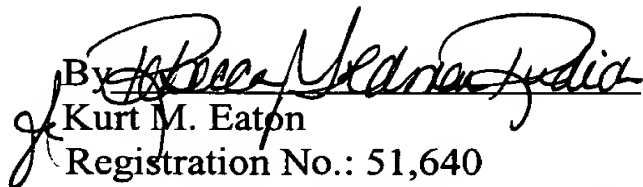
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necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: February 15, 2005

Respectfully submitted,

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